



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

December 23, 2009

Mr. Clayton Holstine

REDACTED

Warning Letter Re: FPPC No. 09/788; Clayton Holstine, Respondent(s)

Dear Mr. Holstine:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a referral from your filing officer that alleged that you received a gift over the limit in effect in the 2008 calendar year.

On your 2008 Annual Statement of Economic Interests (Form 700) filed February 17, 2009, you reported receiving a gift of tickets to the San Francisco 49ers valued at \$400. The Act provides that no public official may receive a gift over the gift limit. (Section 89503.) In 2008, that gift limit was \$390. Since your gift was a minimal amount over the limit, we are closing this matter with a warning letter. Please be advised that the gift limit is adjusted biennially to reflect changes in the Consumer Price Index and commencing January 1, 2009 through December 31, 2010, the gift limit has been adjusted to \$420. (Regulation 18940.2)

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

✓ Gary S. Winuk, Chief
Enforcement Division

RGP/jt